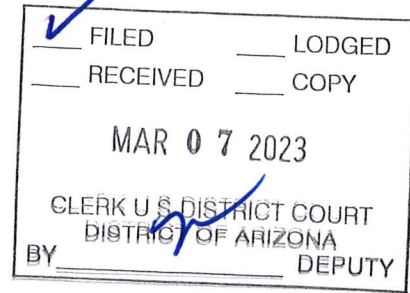


Benton Gene Baskin, I/M #52888  
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*Plaintiff-Pro se*



**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Benton Gene Baskin,  
Plaintiff,

-vs-

Todd Thomas, et al.,  
Defendant.

NO: CV-21-1890-PHX-SPL (JFM)

**PLAINTIFF BASKIN'S  
MOTION FOR EXTENSION OF  
TIME TO FILE MOTION TO  
DISMISS DEFENDANT(S) DIAZ  
AND GIABOIAN'S MOTION TO  
DISMISS OR IN THE  
ALTERNATIVE, TO TRANSFER**

Plaintiff Baskin appears pro se, moves for an (30) day extension of time to respond to Defendant's motion to dismiss, or in the alternative transfer Plaintiff's case filed on January 3, 2023. (Doc. 21).

Pursuant to Federal Rule of Civil Procedure ("FRPC") 6 (b)(1)(B), Plaintiff respectfully requests that the Court extend, to and until April 6, 2023 the time within which Plaintiff must respond to the Defendant's pending motion to dismiss. Plaintiff's response was due on March 6, 2023. This is Plaintiff's Second request for an extension of time for the purpose set forth herein.

In support of this Motion, Plaintiff relies upon the memorandum of points and authorities set forth below.

**I. MEMORANDUM OF POINTS AND AUTHORITIES**

Federal Rule of Civil Procedure 6 (b)(1)(B) permits a party to extend a deadline after its expiration upon showing of "excusable neglect". The standard to be applied by a Court under FRPC 6 (b)(1)(B) is a liberal one in order to "effectuate the general purpose of seeing that cases are tried on the merits." Ahanehian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258-59 (9th Cir. 2010). "Good cause is a non rigorous standard that has been construed broadly across procedural and statutory contexts." Id at 1259.

Plaintiff shows the Court that:

- 1.) There has been one (1) extension of time granted to the Plaintiff concerning a response to the Motion to Dismiss (Doc. 26) in this case.
- 2.) The basis for this request for extension is excusable neglect based on the Plaintiff's ability to access the H.C.F. law library due to scheduling. See, attached Exhibit A.
- 3.) Plaintiff bears the ultimate responsibility for adhering to all Court deadlines and has since received notice that LEXIS/NEXIS legal research, print and word removed; therefore sincerely apologizes to the Court for any inconvenience occasioned by this request for extension of time.

Plaintiff has commenced drafting an appropriate response to Defendant's motion to dismiss, or in the alternative transfer and expects to have it filed no later than April 6, 2023. Accordingly

**II. CONCLUSION**

For these reasons Plaintiff Baskin respectfully moves this Court for the first (30) day extension of time to respond to Defendants Diaz and Giaboian's motion to dismiss, or in the alternative transfer.

Dated this 2nd day of March, 20 23.

BENTON GENE BASKIN

By Benton G. Baskin  
Benton Gene Baskin, I/M #52888  
Hutchinson Correctional Facility Central  
P.O. Box 1568  
Hutchinson, Kansas 67504  
*Plaintiff-Pro se*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of March, 20 23, a true and correct copy of the above and foregoing Plaintiff Baskin's Motion For Extension of Time to File Motion to Dismiss Defendants Diaz and Giaboian's Motion to Dismiss or in the alternative transfer, was made by depositing the same in the United States Mail, postage prepaid addressed to the following:

Debra D. Lucas, Chief Executive  
District Court Executive/Court Clerk  
Sandra Day O'Connor U.S. Courthouse  
Suite 130  
401 West Washington Street SPC 1  
Phoenix, Arizona 85003-2118

Matthew L. Shoger, I.D. #28151  
Assistant Kansas Attorney General  
120 S.W. 10th Avenue, 2nd Floor  
Topeka, Kansas 66612-1597  
Attorney for Defendants

Benton G. Baskin  
Benton Gene Baskin, I/M #52888  
*Plaintiff-Pro se*

EXHIBIT A

P.O. Box 1568  
Hutchinson, KS 67504-1568

Jeff Zmuda, Secretary  
Dan Schnurr, Warden



Phone: (620) 625-7238  
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Laura Kelly, Governor

2/28/23

Ms. Debra D. Lucas  
District Court Executive/Clerk of Court  
Sandra Day O'Connor U.S. Courthouse  
Suite 130  
401 West Washington Street, SPC 1  
Phoenix, AZ 85003-2118

Dear Ms. Lucas:

Benton G. Baskin, I/M #52888, asked me to write this letter to explain why he will not be able to meet his March 6, 2023 deadline.

The Hutchinson Correctional Facility (HCF) IT Dept. found pornographic photos on two of the library computers that inmates use, so they are in the process of investigating how the photos were uploaded to the computers. The IT Dept. in Topeka told the IT Dept at HCF to remove Wordpad (text editor) from all of the law library computers. IT has said they will find an alternative to Wordpad, but no one knows how long that will take. Because Wordpad was removed from the law library computers, inmates no longer have a word processor to use so they have to type their legal work on typewriters. Inmates used to be able to copy information from Lexis/Nexis and paste it into a Wordpad document, but they can no longer do that. Mr. Baskin maintains that under those circumstances, he will be unable to meet his deadline of March 6, 2023.

Thank you!

Kathryn Androski, Librarian  
HCF Central Library  
Box 1568  
Hutchinson, KS 67504-1568  
620-625-7377  
Kathryn.Androski@ks.gov